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To: Daniel Ashmore  
Gunderson, Palmer, Nelson & Ashmore, LLP  
506 Sixth Street  
PO Box 8045  
Rapid City, SD 57709-8045

Re: Ruby Anderson v. Walmart Stores, Inc.

This report is based on my observations of the evidence presented to me as a 35-plus year veteran in the automotive industry.

My career in the automotive field started in 1978 at Hound Dog Diesel Service in Wilcox, Arizona, a family owned and operated automotive and semi repair facility. I started learning my craft by changing tires and oil before moving on to basic repairs and engine rebuilding. In 1985 I started at Graham Automotive on the lube rack doing oil changes, tire changing and basic engine repair. I have been at Graham Automotive since that time earning my ASE Master Technician, Saab Master Technician and Registered Certified Technician with Volkswagen.

The facts considered in forming my conclusions are the video footage from Wal-Mart Stores, my inspection of the tire and rim that allegedly fell off, the invoice from Wal-Mart, the repair estimate from Watertown Ford, the depositions of Scott Splonskowski and Jeff Perleberg, and my knowledge of vehicle mechanics and industry safety standards.

First, I studied the video footage and found that at 2:43.49 PM the spare tire is brought out from under the vehicle and has a visible tread pattern. At 2:48.45 PM the original tire and rim that were removed from the vehicle were placed in the bed of the pickup. At 2:52.59 PM the spare tire is rolled through the shop showing the same tread pattern seen when the tire was brought out from under the vehicle. The tire was mounted to the vehicle at this time. At 3:01.24 PM the vehicle is backed out of the service bay. The tread pattern left on the floor of the shop shows 4 grooves between the 5 sections of the more aggressive block style tread used on all terrain style tires.

EXHIBIT

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Next, I compared the photographs of the tire to the evidence in the video. From the photographs I was able to ascertain the size of the tire in evidence. I also found that the tread pattern didn't appear to be the same as the tread pattern from the video footage. At this point, I requested to see the tire in person. When comparing the actual tire in evidence to the video footage I found that the tire in evidence only has 3 grooves between the 4 sections of less aggressive road tread. The size of the tire in evidence is also not the same as the size of tire from the Wal-Mart invoice for tire sold and installed.

The difference in tire size between the tire sold and the tire in evidence when installed on opposite sides of the same vehicle can possibly cause the vehicle to pull, wander or drift. It can also cause additional noise to come from the front differential.

Also, the tire mounted on the rim doesn't show the same aging as is consistent on a tire that has been mounted under a vehicle for a number of years. In addition to this the wheel weight on the rim does not show any signs of oxidation which would be expected on a spare tire that has been under the vehicle for several years.

It is my professional opinion that the tire in evidence is not the same as the tire mounted on the vehicle by employees of Wal-Mart.

  
LeRoy Robinson